IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 19190 of 2007(H)

PETITIONER:

AZHIYATH KHADER, S/O.PERUMPRAMPATH HASSAN, AZHIYATH VEEDU, CHEMMANNUR, THRISSUR.

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR

RESPONDENTS:
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1. THE SECRETARY, KUNNAMKULAM MUNICIPALITY, KUNNAMKULAM, THRISSUR DISTRICT.

2. THE DISTRICT TOWN PLANNER, DISTRICT URBAN AND RURAL DEVELOPMENT OFFICE, DISTRICT PLANNING UNIT, THRISSUR.

R1 BY ADV. SHRI GRACIOUS KURIAKOSE.
R2 BY GOVERNMENT PLEADER (SHRI BASANTH BALAJI)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 19190 OF 2007 H

Dated this the 1st August, 2007

JUDGMENT

Petitioner has approached this Court seeking a mandamus commanding the respondents to grant permission to the petitioner for constructing the proposed commercial building as evidenced by Ext.P3 Receipt. He also seeks exemption as promised during the take over of free land surrendered by the petitioner and others vide Ext.P1. Case of the petitioner is that by Ext.P1, the petitioner and other owners have given five cents of land free of cost to the first respondent Municipality for construction of the road. But, even after the take over, no action is taken on the application for building permit. It is the case of the petitioner that as per the terms of surrender of the land, he is entitled to the benefit of exemption. It is his case that there is no proposal to acquire the land.

2. I heard the learned counsel appearing for the respondent Municipality also. He would submit that the

application has to be considered by a Special Committee and it was, in fact, considered once, and it was adjourned. He, however, submits that a decision will be taken in the matter, at any rate, within a period of three weeks from the date of receipt of a copy of this Judgment. In such circumstances, the Writ Petition is disposed of directing that a decision be taken on the application of the petitioner in accordance with law, within a period of three weeks from the date of receipt of a copy of this Judgment by the Special Committee. Learned counsel for petitioner relies on the decision of a learned Single Judge of this Court in W.P.(C). No.6349/07. The Committee will afford an opportunity of hearing to the petitioner. It is open to the petitioner to rely on the said Judgment and the Committee will take a decision in accordance with law as aforesaid.

K. M. JOSEPH, JUDGE

kbk.